BEST AVAILABLE COPY

United States Patent and Trademark Office

Applicants A

Leonard Lu et al.

Title:

Packet Switch and Method Thereof Dependent on Application Content

(as amended)

Application No.:

09/883,852

Filing Date:

June 18, 2001

Examiner:

Lim, Krisna

Group Art Unit:

2153

Docket No.:

TTEC.003US0

Conf. No.:

2590

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 23, 2005

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the non-final Office Action dated November 23, 2004.

Claim Amendments are reflected in the listing of claims, which begins on page 2 of this

paper.

Specification Amendments begin on page 20 of this paper.

Remarks begin on page 21 of this paper.

Reconsideration is kindly requested in light of the following amendments and remarks.

- 1 -

Adjustment 04/07/2005 01 FC:2202

date: 06/13/2005 SDIRETO DEVANS __00000004 502664 SDIRETA1 09883852 750.00 CR

Attorney Docket No.: TTEC.003US0

Application No.: 09/883,852

04/07/2005 DEVANS 00000004 502664 09883852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Leonard Lu et al.

Title:

Packet Switch and Method Thereof Dependent on Application Content

Application No.:

09/883,852

Filing Date:

June 18, 2001

Examiner:

Unknown

Group Art Unit:

2153

Docket No.:

TTEC.003US0

Conf. No.

2590

(formerly M-11524 US

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 26, 2005

Signature

Via Facsimile: (703) 308-6778 Mail Stop 16 - Refunds Branch Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR REFUND

Dear Sir:

On February 23, 2005, the undersigned filed a Response to Office Action, canceling claims 12-16 and 44-48. The claim count after the Response was 150 total claims and 11 independent claims. On April 7, 2005, the Deposit Account 502664 was erroneously charged \$750.00 for additional claims over twenty.

Below is a summary of the fee history of the above-referenced case.

- The application was filed with 160 total claims and 15 independent claims. 1. Attached is a copy of the PTO's Fee Calculation Sheet, which was added incorrectly showing 120 total claims and 16 independent claims. Also attached is a copy of the applicants' Fee Calculation Sheet showing the correct claim count totals.
- Applicants deferred paying the filing fee at the time the application was filed. The Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted stated Attorney Docket No.: TTEC.003US0 Application No.: 09/883,852

-1-

that 120 total claims and 16 independent claims were filed and fees were due for these additional claims as follows:

\$900.00 for 100 extra claims over 20 (at small entity rate of \$9.00 per claim)
\$520.00 for 13 extra independent claims over 3 (at small entity rate of \$40.00 per claim)

The \$520.00 amount is incorrect and should have been \$480.00 for 12 extra independent claims.

A copy of the Notice is attached.

3. In response to the Notice to File Missing Parts of Non-Provisional Application - Filing Date Granted, Applicants paid via Deposit Account:

\$900.00 for extra claims over 20 (at small entity rate of \$9.00 per claim)
\$546.00 for extra independent claims over 3 (at small entity rate of \$40.00 per claim)

The \$546.00 was overpaid in error by a total of \$66.00 (\$40.00 based on the incorrect amount given in the Notice and \$26.00 paid in error by Applicants). The amount that should have been paid was for the excess independent claims was \$480.00.

A copy of the Response to Notice to File Missing Parts is attached.

- 4. Applicants filed a Response to Office Action, canceling claims 12-16 (2 independent claims and 5 dependent claims) and 44-48 (2 independent claims and 5 dependent claims). After the Response, 150 total claims and 11 independent claims remained. The USPTO correctly counted the claims after the Response. However, Deposit Account was charged \$750.00 for the difference of 150 total claims and 120 total claims (the previously, miscalculated claim count, paid in Response to Missing Parts) at the current claim fee rate.
- 5. Since the fees were not counted correctly after the application had been filed, Applicant's did owe the USPTO a total of \$360.00, calculated as follows:

160 total claims at the time the application was filed
less 120 total claims calculated and paid in the Response to Notice to File Missing Parts
equals 40 extra unpaid claims at a then rate of \$9.00, equaling \$360.00.

Attorney Docket No.: TTEC.003US0

Application No.: 09/883,852

However, since the USPTO did not catch the error until recently, \$750.00 was charged for the 30 extra claims at the current rate, calculated as follows:

150 total claims after the Response

less 120 total claims paid in the Response to the Notice to File Missing Parts equals 30 extra claims at the current rate of \$25.00 per extra claim totaling \$750.00

A summary of the fees are:

Amount deducted from Deposit Account in April, 2005 for claims in excess of 20 at current rate of \$25.00 per claim	\$750.00
Less amount Applicants owed for 40 unpaid extra claims in excess of 20 at rate of \$9.00 per claim	(\$360.00)
Subtotal of amount due to Applicants	\$390.00
Plus amount overpaid (for independent claims) in the Response to the Notice to File Missing Parts	\$66.00
Amount due to be refunded to Applicants	\$456.00

The difference owed Applicants is \$456.00. It is respectfully requested that the balance of \$456.00 be credited back to Deposit Account Number 502664. This document is being submitted in duplicate.

Respectfully submitted.

Philip Yau

Reg. No. 32,892

May 26, 2005

Date

PARSONS HSUE & DE RUNTZ LLP 655 Montgomery Street, Suite 1800 San Francisco, CA 94111 (415) 318-1160 (main) (415) 318-1165 (direct) (415) 693-0194 (fax)

Attorney Docket No.: TTEC.003US0

Application No.: 09/883,852

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V.S. GPC 1501-40-65000132

PATENT APPLICATION FEE DETERMINATION RECORD								1ber						
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Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

*U.S. GPO: 2000-460-706(001)0

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid QMB control number.

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This collection of information is required by 37 CFR 1.19. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

if you need assistance in complating the form, call 1-800-PTO-9199 and select option 2



United States Patent and Trademark Office

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MANA INSIDIO BOA

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/883.852

06/18/2001

Leonard Lu

M-11524 US

CONFIRMATION NO. 2590 FORMALITIES LETTER

OC000000006417035

Philip Yau MAJESTIC. PARSONS, SIEBERT & HSUE **SUITE 1100** FOUR EMBARCADERO CENTER SAN FRANCISCO, CA 94111

Date Mailed: 08/13/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming
- Total additional claim fee(s) for this application is \$1420.
 - \$900 for 100 total claims over 20.
 - \$520 for 13 independent claims over 3.
- The oath or declaration is missing.
 - A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1840.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

LEONARD L. LU, DEH-PHONE K. HSING, BO-CHAO CHENG, and

TSONG-HO WU

Assignee:

TRANSTECH NETWORKS USA, INC.

Title:

CONTENT-AWARE APPLICATION SWITCH AND METHODS

THEREOF

Serial No.:

09/883,852

Filing Date:

June 18, 2001

Examiner:

Unknown

Group Art Unit:

2151

Docket No.:

M-11524 US

San Francisco, California November 12, 2001

BOX MISSING PARTS COMMISSIONER FOR PATENTS Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION - FILING DATE GRANTED

Dear Sir:

In response to the "Notice to File Missing Parts of Non-Provisional Application Filing Date Granted" mailed by the United States Patent and Trademark Office on August 13, 2001, the following documents are enclosed to complete the filing of the above-identified patent application:

- A Declaration for Patent Application and Power of Attorney signed by the inventors in compliance with 37 CFR 1.63.
- Copy of Notice to File Missing Parts of Non-Provisional Application Filing 2. Date Granted.
 - A Petition for Extension of Time for a one-month extension. 3.

Applicants qualify for small entity status. The United States Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 19-2386:

81999R v1

-1-

Serial No. 09/883,852

1. The statutory basic filing fee of \$370.00; the additional claims fee of \$900.00; the additional independent claims fee of \$546.00; and the one-month extension fee of \$55.00

\$1,871.00

2. One-month Extension Fee

\$65.00

3. TOTAL FEES:

. \$1,936.00

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 19-2386.

It is hereby respectfully submitted that the enclosed documents complete the filing of the above patent application and justify the filing date of June 18, 2001. Please telephone the undersigned at (415) 217-6000, if there are any questions. This form is being submitted in duplicate.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on November 12 2001.

ヘハ レ

Tammy L. Kapan

Date of Signature

-2-

Respectfully submitted,

Philip Yat

Agent for Applicants Reg. No. 32,892

LAW OFFICES OF SKJERVEN MORKILL M=FILESON LAW

25 METRO DRIVE SUITÉ PUI SAN IOSE, CA 25110 (405) 4574900 PAX 14001 463-7878

819998 vl

Serial No. 09/883,852

PATENT APPLICATION FEE DETERMINATION RECOP							Pication or Docket Number 09883852 M-1152405					
CLAIMS AS FILED - PART I (Column 1) (Column 2)								LE		OR	OTHER SMALL	
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160 total claims at the time the application was filed less 120 total claims calculated and paid in the Response to Notice to File Missing Parts equals 40 extra unpaid claims at a then rate of \$9.00, equaling \$360.00.

Allomey Docket No.: TTEC.003US0

Application No.: 09/883,852

Parsons Hsue & de Runtz llp

655 Montgomery Street, Suite 1800 San Francisco, Ca 94111 tel 415.318.1160 fax 415.693.0194

Date

May 26, 2005

To

United States Patent and Trademark Office

Mail Stop 16 - Refunds Branch

Fax number

(703) 308-6778

Tel number

(800) 786-9199

From

Philip Yau, Reg. No. 32,892

Total pages

14

Subject

Application No.: 09/883,852

Your Ref.

Conf. No.: 2590

Our Ref.

TTEC.003US0

MAIL STOP 16 - REFUNDS BRANCH COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

Applicants:

Leonard Lu et al.

Title:

Packet Switch and Method Thereof Dependent on Application Content

Application No.:

09/883,852

Filing Date:

June 18, 2001

Conf. No.:

2590

Atty Docket No.:

TTEC.003US0 (formerly M-11524 US)

ENCLOSED:

1. Request for Refund (3 pages - in duplicate)

Copies of: PTO Claim Sheet (1 page), PTO Patent Application Fee Determination Record (1 page); Applicant's Multiple Dependent Claim Fee Calculation Sheet (1 page), Notice to File Missing Parts (1 page), Response to Notice to File Missing Parts (2 pages), PTO Patent Application Fee Determination Record (1 page)

PY/meb

Due Date:

n/a

Transmission Date:

May 26, 2005

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